



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

February 3, 2004

Date of Deposit

G. Peter Nichols, Reg. No. 34,401

Name of Applicant, Assignee or  
Registered Representative

Signature

February 3, 2004

Date of Signature

Our Case No.: 3086/1435

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Haeri Roh-Schmidt et al.

Serial No.: 10/700,222

Filing Date: November 3, 2003

For: METHOD OF REDUCING  
CHOLESTEROL

Examiner: Not yet assigned

Group Art Unit No.: Not yet assigned

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the relevant listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner. Pursuant to the waiver

of the rules change effective June 30, 2003 Information Disclosure Statements may be filed without copies of U.S. patents and U.S. published applications for applications filed after June 30, 2003, (see 37 CFR 1.98 (a) (2) (i)), copies of U.S. patent documents are not required and therefore are not being submitted herewith inasmuch as the captioned application was filed in the USPTO after June 30, 2003.

The references now cited are the following:

#### U.S. Patent References

<b>DOCUMENT NUMBER</b> <small>Number-Kind Code (if known)</small>	<b>DATE</b>	<b>NAME</b>
4,166,861	09/1979	Bonati et al.
4,613,672	09/1986	Hara
4,840,966	06/1989	Hara et al.
6,113,965	09/2000	Goodsall et al.
6,410,052 B1	06/2002	Morré et al.

#### Other Art References

<b>OTHER ART – NON PATENT LITERATURE DOCUMENTS</b> <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>
Charlton, A. J., et al., "The Self-Association of the Black Tea Polyphenol Theaflavin and Its Complexation with Caffeine", <i>J. Chem. Soc., Perkin Trans. 2</i> , 2000, pp. 317-322.
Goodsall, C. W., et al., "The Mechanism of Theaflavin Oxidation During Black Tea Manufacture", obtained from the internet at < <a href="http://ecsoc2.hcc.ru/DP_TOP2/dp119/dp119.htm">http://ecsoc2.hcc.ru/DP_TOP2/dp119/dp119.htm</a> > on 07/11/02, 2 pages.
Rutgers News, "To The Point: Pioneer Nutraceuticals Research Program Announces Recent Research and Development Advances", obtained from the internet at < <a href="http://www.cook.rutgers.edu/www/news/pressreleases/2001/wellgen.html">http://www.cook.rutgers.edu/www/news/pressreleases/2001/wellgen.html</a> > on 07/11/02, 2 pages.
Yang, C., et al., "The Tea Man: The Chemistry of Tea", obtained from the internet at < <a href="http://www.teatalk.com/science/chemistry.htm">http://www.teatalk.com/science/chemistry.htm</a> > on 07/11/02, 3 pages.
Herbs-Tech, "EFCG Information", obtained from the internet at < <a href="http://www.herbs-tech.com/egcg.htm">http://www.herbs-tech.com/egcg.htm</a> > on 07/12/02, 2 pages.
Herbs-Tech, "Tea Catechins Information", obtained from the internet at < <a href="http://www.herbs-tech.com">http://www.herbs-tech.com</a> > on or around 07/12/02, 2 pages.
Kris-Etherton, P., et al., "Evidence That the Antioxidant Flavonoids in Tea and Cocoa Are Beneficial For Cardiovascular Health", <i>Nutrition and Metabolism</i> , Lippincott Williams & Wilkins, Philadelphia, PA, 2002, pp. 41-49.

With respect to the pages obtained from the Internet, it is noted that they were obtained either on July 11, 2002 or July 12, 2002 even though the printer cut-off the year portions of the date.



In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

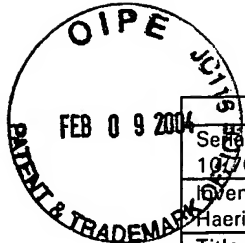
This application claims the benefit of United States Provisional Application Serial No. 60/423,612, filed November 4, 2002 and is relied upon for an earlier filing date under 35 U.S.C. § 120.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

G. Peter Nichols  
Registration No. 34,401  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
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TRANSMITTAL LETTER			Case No. 3086/1435
Serial No. 107,00,222	Filing Date November 3, 2003	Examiner Not yet assigned	Group Art Unit Not yet assigned
Inventor(s) Haeri Roh-Schmidt et al.			
Title of Invention METHOD OF REDUCING CHOLESTEROL			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an Information Disclosure Statement (in duplicate); Form PTO-1449; 7 Cited References (A6-A12); Return Postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

					Small Entity		or	Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$9 =			x \$18 =	
Indep.		Minus			x 43 =			x \$86 =	
First Presentation of Multiple Dep. Claim					+ \$145 =			+ \$290 =	
					Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

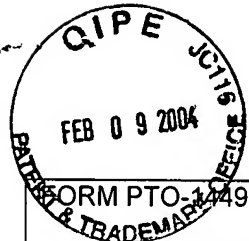
G. Peter Nichols  
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Attorney for Applicant  
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 3, 2004.

Date: February 3, 2004

Signature:



FORM PTO-1449	SERIAL NO. 10/700,222	CASE NO. 3086/1435
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE November 3, 2003	GROUP ART UNIT Not yet assigned
(use several sheets if necessary)		APPLICANT(S): Haeri Roh-Schmidt et al.

### REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,166,861	09/1979	Bonati et al.		
	A2	4,613,672	09/1986	Hara		
	A3	4,840,966	06/1989	Hara et al.		
	A4	6,113,965	09/2000	Goodsall et al.		
	A5	6,410,052 B1	06/2002	Morré et al.		

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

### OTHER ART – NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL		(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.
	A6	Charlton, A. J., et al., "The Self-Association of the Black Tea Polyphenol Theaflavin and Its Complexation with Caffeine", <i>J. Chem. Soc., Perkin Trans. 2</i> , 2000, pp. 317-322.
	A7	Goodsall, C. W., et al., "The Mechanism of Theaflavin Oxidation During Black Tea Manufacture", obtained from the internet at < <a href="http://ecsoc2.hcc.ru/DP_TOP2/dp119/dp119.htm">http://ecsoc2.hcc.ru/DP_TOP2/dp119/dp119.htm</a> > on 07/11/02, 2 pages.
	A8	Rutgers News, "To The Point: Pioneer Nutraceuticals Research Program Announces Recent Research and Development Advances", obtained from the internet at < <a href="http://www.cook.rutgers.edu/www/news/pressreleases/2001/wellgen.html">http://www.cook.rutgers.edu/www/news/pressreleases/2001/wellgen.html</a> > on 07/11/02, 2 pages.
	A9	Yang, C., et al., "The Tea Man: The Chemistry of Tea", obtained from the internet at < <a href="http://www.teatalk.com/science/chemistry.htm">http://www.teatalk.com/science/chemistry.htm</a> > on 07/11/02, 3 pages.
	A10	Herbs-Tech, "EFCG Information", obtained from the internet at < <a href="http://www.herbs-tech.com/egcg.htm">http://www.herbs-tech.com/egcg.htm</a> > on 07/12/02, 2 pages.
	A11	Herbs-Tech, "Tea Catechins Information", obtained from the internet at < <a href="http://www.herbs-tech.com">http://www.herbs-tech.com</a> > on or around 07/12/02, 2 pages.
	A12	Kris-Etherton, P., et al., "Evidence That the Antioxidant Flavonoids in Tea and Cocoa Are Beneficial For Cardiovascular Health", <i>Nutrition and Metabolism</i> , Lippincott Williams & Wilkins, Philadelphia, PA, 2002, pp. 41-49.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.